



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,356	04/26/2000	Stephen Dale Messer	1776-001B	9673

9629 7590 05/22/2003

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/558,356

Applicant(s)  
Stephen Dale Messer

Examiner  
Pierre E. Elisca

Art Unit  
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/10/2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 AND 3-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3621

**DETAILED ACTION**  
**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's amendment filed on 03/28/2003.
2. Claims 1, 3-10 are remained, claims 2 is canceled, and claims 11-43 are added.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-43 are rejected under 35 U.S.C. 102 (e) as being anticipated by Levergood et al. (U.S. Pat. No. 5,708,780).

**Art Unit: 3621**

As per claims 1, 3, 4, 6-43 Levergood discloses a method/system for controlling and monitoring access to network servers see., abstract which is equivalent to Applicant's claimed invention wherein it is stated that a data processing for supporting web based commerce and commission tracking on a multi-node network), comprising:

web access and scanning code for selectively downloading web pages (see., Levergood in the abstract, specifically wherein it is stated that the hypertext environment, a client views a document transmitted by a content server with a standard program known as the browser. Each hypertext document or page contains links to other hypertext pages which the user may select to. A user is provided with a session identification which allows the user to access to the requested file or page. Applicant should duly note that the processed of viewing a document or page and identifying the user to access the requested or page is readable as the step of scanning code and downloading a page, since when viewing a page, a user can also scan or download the viewing page and examining web page content to determine whether the content thereon is appropriate for products promoted or advertisements on said web page see., col 5, lines 17-41, specifically wherein it is stated that the browser forwards the request to a content server 120, which processes the request by first determining whether the requested page is a controlled document or detecting fraudulent activity. If the request is directed to an uncontrolled page, as in advertisement page, the content server records the URL and the IP address, to the extent it is available, col 7, lines 22-48. Levergood further discloses a plurality of client/servers which can also be a clearhouse server or merchant sites and the step of displaying promotions is disclosed in col 5,

Art Unit: 3621

lines 17-41. Applicant's newly added limitations "wherein the code includes a comparison mechanism for determining if the content includes terms that are antithetical to products promoted or to be promoted on said web page" see., abstract, specifically wherein it is stated that the server subjects the request to a secondary server which determines whether the client has an authorization or valid account. Upon such verification, the user is provided with a session identification which allows the user to access to the requested file.

As per claim 5, Levergood discloses the claimed limitations of programming on said merchant site for sending a file to said Clearinghouse server comprising information on commerce at said Merchant site (see., col 5, lines 17-41, please note that client/servers which can also be a clearhouse server or merchant sites).

#### **REMARKS**

5. Applicant argues that Levergood does not teach or suggest alone or in combination that wherein the code includes a comparison mechanism for determining if the content includes terms that are antithetical to products promoted or to be promoted on the web page. Based upon the foregoing rejection detail above, it is believed that Levergood discloses this newly added limitation in the abstract, specifically wherein it is stated that the server subjects the request to a secondary server which determines whether the client has an authorization or valid account. Upon

Art Unit: 3621

such verification, the user is provided with a session identification which allows the user to access to the requested file.

### CONCLUSION

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patents of Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**



Pierre Eddy Elisca

Patent Examiner

**May 20, 2003**